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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,039	12/28/2001	Carl I. Green	42390.P13009	1948
8791	7590	09/12/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			NELSON, ALECIA DIANE	
			ART UNIT	PAPER NUMBER
			2675	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/041,039

Applicant(s)

GREEN, CARL I.

Examiner

Alecia D. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 7/7/05 have been considered by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 17-73** rejected under 35 U.S.C. 103(a) as being unpatentable over Felcman et al. (U.S. Patent No. 6,830,394) in view of Douglas (U.S. Patent No. 5,156,049).

With reference to **claims 17, 20, 26, 27, 31, 32, and 36**, Felcman et al. teaches an apparatus (10) comprising: a keyboard (12) having a space bar (54) and keys (30, 32, 34) (see Figure 2, column 4, lines 14-24); a wheel (trackball, 12) positioned below the space bar to rotate horizontally relative to a top surface of the keyboard to receive user input (see column 4, lines 25-30); a tracking device (buttons, 48, 50, 52) positioned below the space bar to receive user input to direct a cursor displayed on a display (see column 4, lines 32-39), wherein the tracking device is closer to the space bar than the wheel (see Figure 7); a right mouse button (46) wherein the right mouse button is

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positioned to the right of the wheel; a left mouse button (44), wherein the left mouse button is positioned to the left of the wheel.

While teaching the usage of a wheel, there fails to be any disclosure of the wheel including ridges.

Douglas teaches wheel devices (13, 15, 17) for interacting with a visual display including ridges (see Figure 5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the ridged wheels or the usage of the ridges, as taught by Douglas, to be used in a device or to be including on the wheel device similar to that which is taught by Felcman et al. in order to provide the user with traction when operating the wheel device thereby allowing the device to be gripped more securely.

With reference to **claims 18, 21-23, 28, and 33**, Felcman et al. teaches that the tracking device is closer to the space bar than the right and left mouse buttons; that the tracking device is closer to the space bar than the right and left buttons; and that the tracking device is positioned below the space bar; that the tracking device is in the center of the wheel (see Figure 7).

With reference to **claims 19, 24, 25, 34, and 35**, while Felcman et al. teaches the usage of the wheel (12) for providing control to an application being executed, there fails to be any disclosure of the wheel providing variable numerical input that increases

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with the rotation of the wheel in one direction and decreases with the rotation of the wheel in a second direction.

Douglas teaches a manual input system wherein a computer (23) drives a plurality of displays (31, 33, 35, 37), wherein each display includes a three-digit seven-segment display (39). Located below the respective displays are knobs (13, 15, 17), wherein each knob has associated indicia indicating the proper direction of rotation for increasing the corresponding parameter, and rotating the knob in the opposite direction decreases the parameter (see column 4, lines 18-56).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention for the wheel device of Felcman et al. to be capable of providing variable input wherein rotation in one direction causes the variable to increase and rotation in the opposite direction causes the variable to decrease, as taught by Douglas to thereby allow for applications including numerical data to be controlled by rotation of the wheel device. This thereby allows the user to control more functions with out having to change hand placement.

With reference to **claim 29**, Felcman et al. teaches that the tracking device directs a cursor on the display, wherein rotation of the wheel in one direction scrolls down a displayed document and wherein rotation of the wheel in another direction scrolls up the displayed document (see column 4, lines 25-39).

With reference to **claims 30 and 37**, Felcman et al. teaches that the keyboard (12) is connected to a portable computer (10) including a display (14) (see Figure 1).

### ***Response to Arguments***

4. Applicant's arguments with respect to **claims 17-37** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is 571-272-7771. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adh/ADN  
September 6, 2005

  
SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER